

LAWS AND REGULATIONS RELATING TO
LICENSURE AND CERTIFICATION AS A
FEE-BASED PASTORAL COUNSELOR



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DISCLAIMER

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

For the official copies of the statutes and regulations pertaining to this profession, please visit <http://lrc.ky.gov>.

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KENTUCKY REVISED STATUTES

335.600 Purpose of KRS 335.600 to 335.699 and KRE 506.

The purpose of KRS 335.600 to 335.699 and KRE 506 is to protect the public safety and welfare by providing for the certification and regulation of persons engaged in the practice of fee-based pastoral counseling. As such, it is not the intent of KRS 335.600 to 335.699 and KRE 506 to advance or inhibit religion, to in any way affect the performance of ordinary duties or functions of the clergy, or to foster excessive government entanglement with religion.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 1, effective July 15, 1998.

335.605 Definitions for KRS 335.600 to 335.699.

As used in KRS 335.600 to 335.699, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of Certification of Fee-Based Pastoral Counselors;
- (2) "Certified fee-based pastoral counselor" or "certificate holder" means an ordained minister or the denominational equivalent who:
 - (a) Has completed a master of divinity degree and an advanced degree program in pastoral counseling, or an equivalent course of study approved by the board, from an accredited seminary or other accredited educational institution;
 - (b) Is certified by the board; and
 - (c) Receives fees or other compensation for the practice of pastoral counseling;
- (3) "Fee-based pastoral counseling" means the practice of pastoral counseling at an advanced level, equivalent to the standards of practice set by the American Association of Pastoral Counselors for the "fellow" level, that involves integrating spiritual resources with insights from the behavioral sciences, in exchange for a fee or other compensation; and
- (4) "Ordained minister or the denominational equivalent" means a person who has been called, elected, or otherwise authorized by a church, synagogue, denomination, or faith group through ordination, consecration, or equivalent means, to exercise within and on the behalf of the denomination or faith group specific religious leadership and service that furthers its purpose and mission.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 2, effective July 15, 1998.

335.610 Kentucky Board of Certification of Fee-Based Pastoral Counselors.

The Kentucky Board of Certification of Fee-Based Pastoral Counselors is hereby created.

- (1) The board shall be composed of five (5) members who shall be appointed by the Governor to serve four (4) year terms.
 - (a) Four (4) members shall be certified fee-based pastoral counselors actively engaged in the practice or teaching of pastoral counseling.
 - (b) One (1) member shall be a citizen at large who is not associated with, or financially interested in, the practice or business of fee-based pastoral counseling.

- (2) All reappointments to the board and vacancies on the board shall be filled by the Governor from a list of three (3) nominees for each vacancy, submitted by the executive committee of the Kentucky Association of Pastoral Counselors. In selecting the three (3) nominees to be submitted to the Governor, the executive committee shall consider all nominations, including self-nominations, from all fee-based pastoral counselors certified under the provisions of KRS 335.600 to 335.699.
- (3) No member shall serve more than two (2) consecutive terms.
- (4) The chair of the board may not serve more than two (2) years.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 3, effective July 15, 1998.

335.615 Powers and duties of board.

The board shall meet at least twice a year, in the spring and the fall. The board shall elect a chair at the fall meeting who shall serve a one (1) year term. The board shall:

- (1) Approve or deny applications for certification submitted according to the provisions of KRS 335.600 to 335.699;
- (2) Approve the examination required of applicants for certification, provide for the administration and grading of the examination, and provide for other matters relating to certification in the profession of fee-based pastoral counseling as promulgated in administrative regulations;
- (3) Review the credentials of certificate holders to determine eligibility for certification renewal, including payment of fees authorized in KRS 335.625;
- (4) Certify those fee-based pastoral counseling applicants who satisfy the requirements of KRS 335.600 to 335.699, including payment of fees authorized in KRS 335.620;
- (5) Adopt a code of ethics for certified fee-based pastoral counselors by promulgation of administrative regulations;
- (6) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to implement the purposes of KRS 335.600 to 335.699;
- (7) Investigate suspected violations of KRS 335.600 to 335.699;
- (8) Institute and maintain actions to restrain or enjoin persons who violate the certification provisions of KRS 335.600 to 335.699; and
- (9) Submit an annual report to the Governor and to the Legislative Research Commission by January 1 of each year, listing all hearings conducted by the board, any decisions rendered, and a current roster of all certified fee-based pastoral counselors.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1698, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 12, sec. 55, effective June 25, 2009. -- Created 1998 Ky. Acts ch. 525, sec. 4, effective July 15, 1998.

335.620 Application for certification.

An applicant for certification as a fee-based pastoral counselor shall:

- (1) Pay the board an initial fee for certification that shall be established by administrative regulation promulgated in accordance with KRS Chapter 13A;
- (2) Be at least twenty-one (21) years of age;
- (3) Reside or be employed in the Commonwealth of Kentucky;

- (4) Have completed a master of divinity degree or its equivalent with a minimum of ninety (90) hours from a seminary accredited by the Association of Theological Schools or an equivalent course of study as defined by the board by promulgation of administrative regulations;
- (5) Have completed each of the following:
 - (a) At least one thousand three hundred seventy-five (1,375) hours in the practice of supervised pastoral counseling acceptable to the board, subsequent to being granted a master's degree; and
 - (b) A minimum of two hundred fifty (250) hours of clinical supervision acceptable to the board;
- (6) Be an ordained minister or the denominational equivalent, as determined by the applicant's denomination or faith group, and have been endorsed by that denomination or faith group to function as a fee-based pastoral counselor;
- (7) Hold an advanced degree or its equivalent beyond the master of divinity degree with special concentration in the theory and practice of pastoral counseling and which requires at least one (1) year of academic work beyond the first professional degree; and
- (8) If the applicant has not received certification before July 1, 1999, pass a written examination approved by the board.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 5, effective July 15, 1998.

335.625 Renewal of certification.

- (1) Certification issued under KRS 335.615 shall be renewed every three (3) years upon:
 - (a) Payment of a renewal fee established by the board and promulgated by administrative regulation in accordance with KRS Chapter 13A, but not to exceed three hundred dollars (\$300); and
 - (b) Documentation of twenty (20) hours of continuing education completed since the date of last renewal or original issue, whichever is later.
- (2) Any certificate not renewed within three (3) months of its renewal date shall expire. The board may reinstate the certificate upon payment of the renewal fee and meeting the continuing education requirement set forth in subparagraph (b) of subsection (1) of this section within one (1) year after the renewal date.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 6, effective July 15, 1998.

335.630 Use of title "certified fee-based pastoral counselor" -- Construction of KRS 335.600 to 335.699.

- (1) The provisions of KRS 335.600 to 335.699 shall not apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including, but not limited to, physicians, social workers, psychologists, nurses, marriage and family therapists, art therapists, or students within accredited training programs of these professions. Nothing in KRS 335.600 to 335.699 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which these persons hold themselves out to the public.
- (2) No person shall use the title "certified fee-based pastoral counselor" or hold himself or herself out as a certified fee-based pastoral counselor, unless certified by the board.

- (3) Nothing in KRS 335.600 to 335.699 shall be construed to alter, amend, or interfere with the practice of employment counseling, job placement counseling, or school counseling.
- (4) Nothing in KRS 335.600 to 335.699 shall be construed as regulating or limiting the ministry or services of a minister, including pastoral care and counseling, otherwise authorized by a church, denomination, or faith group to perform the ordinary duties or functions of the clergy.
- (5) Nothing in KRS 335.600 to 335.699 shall be construed to apply to the activities and services of a student or trainee in pastoral counseling who is pursuing a program of studies in pastoral counseling at an accredited institution of higher learning if the activities are performed under supervision and constitute a part of the supervised program of study, and if the person is designated a pastoral counseling intern or student in training.
- (6) The provisions of KRS 335.600 to 335.699 shall not apply to Christian Science practitioners.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 7, effective July 15, 1998.

335.635 Written complaint of violation -- Investigation -- Hearing -- Appeal.

Any person or organization, including the board upon its own volition, may file with the board a written complaint alleging violation of any provision of KRS 335.600 to 335.699. The board shall cause the complaint to be investigated.

- (1) If the investigation reveals evidence supporting the complaint, the board shall set the matter for hearing in accordance with the provisions of KRS Chapter 13B before refusing to renew, revoking, reprimanding, imposing probation or an administrative fine, or any combination of actions regarding any certificate holder.
- (2) After denying an application for certification under KRS 335.600 to 335.699, the board may grant a hearing to the denied applicant in accordance with the provisions of KRS Chapter 13B.
- (3) The board may reconsider, modify, or reverse its decision on any disciplinary action.
- (4) Any party aggrieved by a disciplinary action of the board may bring an action in Franklin Circuit Court in accordance with the provisions of KRS Chapter 13B.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 9, effective July 15, 1998.

335.640 Reinstatement.

A person whose certificate has been revoked may apply for reinstatement no earlier than one (1) year from the date of revocation, in accordance with the procedures established by the board by administrative regulation under KRS Chapter 13A.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 10, effective July 15, 1998.

335.645 Immunity from personal liability.

Members of the board and its agents shall be immune from personal liability in any action, civil or criminal, which is based upon any official act or acts performed reasonably and in good faith by the board member, agent, or employee.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 11, effective July 15, 1998.

335.650 Disposition of fees and other moneys.

The Board of Certification of Fee-Based Pastoral Counselors fund is hereby created in the State Treasury. All funds received by the board under the provisions of KRS 335.600 to 335.699 shall be deposited with the State Treasurer for credit to the board fund. The fund shall be invested as all other state funds are invested, and income from investment of the fund shall be credited to the fund. The balance remaining in the fund at the end of any fiscal year shall not lapse to the general fund. The money in the board fund shall be appropriated to the board and shall be used for the purpose of carrying out the provisions of KRS 335.600 to 335.699.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 12, effective July 15, 1998.

335.699 Penalties and sanctions for violations.

If the board finds any applicant or certificate holder whom it regulates under KRS 335.600 to 335.699 has violated the provisions of KRS 335.600 to 335.699 or any administrative regulation promulgated under the authority granted to the board, the board may issue an order imposing one (1) or more of the following penalties:

- (1) Denial of an application for certification, either temporarily or permanently;
- (2) Revocation of a certificate or an application for certification, either temporarily or permanently;
- (3) Imposition of an administrative fine not to exceed one thousand dollars (\$1,000);
- (4) Imposition of a requirement for supervision of the applicant or certificate holder;
- (5) Restriction of the certificate holder's ability to supervise others; and
- (6) Issuance of a reprimand.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 525, sec. 8, effective July 15, 1998.

KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 38:010. Definitions for 201 KAR Chapter 38.

RELATES TO: KRS 335.620

STATUTORY AUTHORITY: KRS 335.615(1)-(4), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.620 establishes the requirements for certification as a fee-based pastoral counselor. The board is required to review the applications of applicants for certification. This administrative regulation establishes the definitions used in 201 KAR Chapter 38.

Section 1. Definitions.

- (1) "Clinical supervision" means the process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing pastoral counseling services.
- (2) "Equivalent course of study" means a master's, doctoral degree, or accredited training program in pastoral counseling from a regionally accredited institution in a mental health field closely related to pastoral counseling which either contains, or has been supplemented by, the coursework in each of the basic core areas listed in 201 KAR 38:030, Section 2. (26 Ky.R. 282; Am. 587; eff. 9-15-99.)

201 KAR 38:020. Application.

RELATES TO: KRS 335.620

STATUTORY AUTHORITY: KRS 335.615(1)-(4), (6), 335.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.615(1) requires the board to approve or deny applications for certification of a fee-based pastoral counselor. KRS 335.620 establishes application requirements for a fee-based pastoral counselor. This administrative regulation establishes the application process for certification.

Section 1. An applicant for certification shall:

- (1) Meet the requirements of KRS 335.620;
- (2) Pay by check or money order an initial certification fee as established by 201 KAR 38:040, Fees, made payable to the Kentucky State Treasurer;
- (3) Pass the written examination titled "Kentucky Pastoral Counselors Examination" administered and verified by the Kentucky Board of Certification of Fee-Based Pastoral Counselors, which may include the topics set forth in 201 KAR 38:030, Section 3(1) through (4) and submit documentation of a passing score to the Board.
- (4) File a completed, signed, and dated Application for Certification as a Fee-Based Pastoral Counselor with the board containing:
 - (a) Name;
 - (b) Address;
 - (c) Home phone;
 - (d) Work address;
 - (e) Work phone;
 - (f) Date of birth;
 - (g) Criminal convictions;
 - (h) Misconduct in other positions;

- (i) Credentials by other states;
- (j) Membership in professional organizations;
- (k) Education;
- (l) Experience;
- (m) Clinical supervision that shall be equally distributed throughout the qualifying period and verification that meets the following requirements:
 - 1. At least 120 hours shall be individual supervision by an approved supervisor; and
 - 2. An approved supervisor shall be an individual who:
 - a. Holds a diplomate level of certification from the American Association of Pastoral Counselors;
 - b. Holds a fellow level of certification from the American Association of Pastoral Counselors and is also under supervision by a diplomat;
 - c. Is certified as a fee-based pastoral counselor in Kentucky with a minimum of four (4) years of experience in the practice of pastoral counseling; or
 - d. Holds licensure or certification in one (1) of the mental health professions of psychiatry, psychology, social work, or family therapy with at least five (5) years of clinical experience and two (2) years of supervisory experience;
- (n) Endorsement by a denomination or faith group; and
- (o) Affidavit.

Section 2. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) Form "Application-2" (June, 1999 edition) Board of Certification of Fee-Based Pastoral Counselors.
- (2) This material may be inspected, copied, or obtained at the Board of Certification of Fee-Based Pastoral Counselors, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (26 Ky.R. 283; Am. 587; eff. 9-15-99; 29 Ky.R. 1870; eff. 3-19-03.)

201 KAR 38:030. Equivalent course of study.

RELATES TO: KRS 335.620

STATUTORY AUTHORITY: KRS 335.615, (6); 335.620(4)-(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.620(4) and (7) provides that the board shall establish a course of study equivalent to a master of divinity degree plus an additional minimum of one (1) year of academic training relative to pastoral counseling. This administrative regulation establishes the criteria for the equivalent course of study.

Section 1. Clinical membership at the fellow level in the American Association for Pastoral Counselors shall indicate that the applicant has met both the educational and experiential requirements for certification as set forth in KRS 335.620(4) and (7).

Section 2. To qualify as an equivalent course of study, the basic core areas of study shall include the completion of a minimum of fifty-eight (58) semester hours of work that meets the requirements of Section 3 of this administrative regulation. The course work may:

- (1) Include or extend beyond the one (1) professional degree in a theological or spiritual discipline or a mental health discipline; and
- (2) Include unlimited hours earned in:
 - (a) An American Association of Pastoral Counselors approved Training Program in pastoral counseling with fifteen (15) contact hours equaling one (1) semester hour; or

- (b) Another educational institutional program which meets the requirements stipulated by the American Association of Pastoral Counselors' Certification Committee, or the Institutional Accreditation Committee.

Section 3. The hours shall be distributed as follows:

- (1) Religious foundations. This area shall include up to twenty-seven (27) semester hours, including the following areas:
 - (a) Scripture;
 - (b) Theology;
 - (c) Religious history;
 - (d) Theological and social ethics;
 - (e) Spirituality; and
 - (f) World religions.
- (2) Core clinical theory. This area shall include up to twenty-four (24) semester hours:
 - (a) With at least three (3) semester hours in each of the following:
 - 1. Counseling and psychotherapy techniques;
 - 2. Group dynamics and techniques; and
 - 3. Marriage and family systems theories and techniques; and
 - (b) Up to fifteen (15) semester hours taken from the following areas:
 - 1. Professional identity function and ethics;
 - 2. Theories of counseling and psychotherapy;
 - 3. Theories of human behavior, learning, personality development;
 - 4. Career development;
 - 5. Appraisal, evaluation, and diagnostic procedures to make a current diagnosis; and
 - 6. Abnormal behavior.
- (3) Pastoral counseling theory. This area shall include up to twelve (12) semester hours distributed among the following:
 - (a) Basic pastoral care which shall include crisis intervention, grief counseling, and hospital ministry;
 - (b) History of pastoral care and counseling;
 - (c) Psychology of religion;
 - (d) Faith development;
 - (e) Pastoral theology;
 - (f) Theology of psychotherapy;
 - (g) Spiritual formation; and
 - (h) Clinical pastoral education.
- (4) Specialized technical studies. This area shall include up to fifteen (15) semester hours including at least two (2), but not more than three (3), of the following areas:
 - (a) Psychodynamic psychotherapies;
 - (b) Marriage and family therapy;
 - (c) Humanistic psychotherapy;
 - (d) Jungian analytic psychotherapy;
 - (e) Cognitive therapy;
 - (f) Behavior therapy;
 - (g) Brief therapy; or
 - (h) Group therapy.
- (5) A practicum, internship, or residency may be included in addition to academic courses not to exceed more than ten (10) hours. (26 Ky.R. 284; Am. 588; eff. 9-15-99.)

201 KAR 38:040. Fees.

RELATES TO: KRS 335.620(1)

STATUTORY AUTHORITY: KRS 335.615(6); 335.620(1), (8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.615(6) and 335.620(1) require the board to establish an initial fee for certification. KRS 335.620(8) requires an applicant who has not received certification before July 1, 1999, to pass a written examination approved by the board. This administrative regulation establishes the initial fee for certification and the fee for taking the written examination.

Section 1. Initial Certification Fee.

- (1) The initial fee for certification as a fee-based pastoral counselor shall be \$400.
- (2) If an application for certification is denied, the board shall refund \$250 of the initial certification fee.

Section 2. Written Examination Fee. The fee for taking the written examination of the Kentucky Board of Certification of Fee-Based Pastoral Counselors, the Kentucky Pastoral Counselors Examination, shall be \$150. (26 Ky.R. 285; Am. 589; eff. 9-15-99; 29 Ky.R. 1871; eff. 3-19-03.)

201 KAR 38:060. Code of ethics.

RELATES TO: KRS 335.615(5)

STATUTORY AUTHORITY: KRS 335.615(5), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.615(5) requires the board to promulgate a code of ethics for certified fee-based pastoral counselors. This administrative regulation establishes the required code of ethics.

Section 1. Identification of a Client.

- (1) A client shall be a person who receives a counseling, psychotherapeutic, or other professional service from a fee-based pastoral counselor.
- (2) A person identified as a client pursuant to subsection (1) of this section shall be deemed to continue to be a client for a period of two (2) years following the last date of service rendered to that client.

Section 2. Responsibility to Clients.

- (1) A fee-based pastoral counselor shall:
 - (a) Advance and protect the welfare of his client;
 - (b) Respect the rights of persons seeking his assistance; and
 - (c) Make reasonable efforts to ensure that his services are used appropriately.
- (2) A fee-based pastoral counselor shall not:
 - (a) Exploit the trust and dependency of a client;
 - (b)
 1. Except as provided by subparagraph 2 of this paragraph, engage in a dual relationship with a client, including a social, business, or personal relationship, that may:
 - a. Impair professional judgment;
 - b. Incur a risk of exploitation of the client; or
 - c. Otherwise violate a provision of this administrative regulation.
 2. If a dual relationship cannot be avoided, and does not impair professional judgment, incur a risk of exploitation of the client, or otherwise violate a provision of this administrative regulation, a pastoral counselor shall take

appropriate professional precautions to ensure that judgment is not impaired and exploitation of the client does not occur;

- (c) Engage in a sexual relationship with a current client or with a former client for two (2) years following the termination of pastoral counseling;
- (d) Use his professional relationship with a client to further his own interests;
- (e) Continue a pastoral counseling relationship unless it is reasonably clear that the client is benefiting from the relationship;
- (f) Fail to assist a person in obtaining other pastoral counseling services if the pastoral counselor is unable or unwilling, for appropriate reasons, to provide professional help;
- (g) Abandon or neglect a client in treatment without making reasonable arrangements for the continuation of treatment;
- (h) Videotape, record, or permit third-party observation of a pastoral counseling session without having first obtained written informed consent from the client;
- (i) Engage in sexual or other harassment or exploitation of a client, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in an investigation or a disciplinary investigation or proceeding by the board; or
- (j) Diagnose, treat, or advise on problem outside the recognized boundaries of his competence.

Section 3. Confidentiality.

- (1) A fee-based pastoral counselor shall respect and guard the confidences of each individual client.
- (2) A fee-based pastoral counselor shall not disclose a client confidence except:
 - (a) As mandated, or permitted by law;
 - (b) To prevent a clear and immediate danger to a person;
 - (c) If the pastoral counselor is a defendant in a civil, criminal, or disciplinary action arising from the pastoral counseling, confidences may be disclosed only in the course of that action; or
 - (d) If a waiver has been obtained in writing, confidential information shall be revealed only in accordance with the terms of the waiver. If more than one (1) person in a family receives pastoral counseling, unless a waiver is executed by each family member receiving pastoral counseling, who is legally competent to execute a waiver, a pastoral counselor shall not disclose information received from any family member.
- (3) A pastoral counselor may use client or clinical materials in teaching, writing, and public presentations if:
 - (a) A written waiver has been obtained in accordance with subsection (2)(d) of this section; or
 - (b) Appropriate steps have been taken to protect client identity and confidentiality.
- (4) A pastoral counselor shall store or dispose of client records so as to maintain confidentiality.

Section 4. Responsibility to a Student or Supervisee.

- (1) A fee-based pastoral counselor shall not exploit the trust and dependency of a student or supervisee.
- (2) A fee-based pastoral counselor shall:
 - (a) Be aware of his influential position with respect to a student or supervisee; and
 - (b) Avoid exploiting the trust and dependency of these persons.
 - 1. A pastoral counselor shall make every effort to avoid a dual relationship, including a social, business, or personal relationship, with a student or supervisee that may impair professional judgment or increase the risk of exploitation.

2. If a dual relationship cannot be avoided, a pastoral counselor shall take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs.
 3. A pastoral counselor shall not provide pastoral counseling to a student, employee or supervisee.
 4. A pastoral counselor shall not engage in sexual intimacy or contact with a student or supervisee.
- (3) A pastoral counselor shall not permit a student or supervisee to perform or to hold himself out as competent to perform professional services beyond his level of training, experience, and competence.
- (4) A pastoral counselor shall not disclose a student's or supervisee's confidence except:
- (a) As mandated, or permitted by law;
 - (b) To prevent a clear and immediate danger to a person or persons;
 - (c) If the pastoral counselor is a defendant in a civil, criminal, or disciplinary action arising from the supervision, the student's or supervisee's confidence may be disclosed only in the course of that action;
 - (d) In an educational or training setting if there are multiple supervisors, to other professional colleagues who share responsibility for the training of the supervisee; or
 - (e) If there is a waiver previously obtained in writing, information shall be revealed only in accordance with the terms of the waiver.

Section 5. Financial Arrangements.

- (1) A pastoral counselor shall make financial arrangements with a client, third-party payer, or supervisee that are reasonably understandable and conform to accepted professional practices.
- (2) A pastoral counselor shall:
 - (a) Not offer or accept payment for referrals;
 - (b) Not charge excessive fees for services;
 - (c) Disclose his fees to clients and supervisees at the beginning of services; and
 - (d) Represent facts truthfully to clients, third-party payers, and supervisees regarding services rendered.

Section 6. Advertising.

- (1) A fee-based pastoral counselor shall:
 - (a) Accurately represent his education, training, and experience relevant to his practice of pastoral counseling; and
 - (b) Not use professional identification, including a business card, office sign, letterhead, or telephone or association directory listing if it includes a statement or claim that is false, fraudulent, misleading, or deceptive pursuant to subsection (2) of this section.
- (2) A statement shall be false, fraudulent, misleading, or deceptive if it:
 - (a) Contains a material misrepresentation of fact;
 - (b) Fails to state a material fact necessary to make the statement, in light of all circumstances, not misleading; or
 - (c) Is intended to or is likely to create an unjustified expectation.

Section 7. Professional Competence and Integrity. A pastoral counselor shall maintain standards of professional competence and integrity and shall be subject to disciplinary action as provided in KRS 335.635:

- (1) Upon conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor related to his practice as a pastoral counselor. Conviction shall include conviction based on:
 - (a) A plea of no contest or an "Alford Plea"; or
 - (b) The suspension or deferral of a sentence or conditional discharge;

- (2) If his license or certificate to practice a health profession issued by another state's regulatory agency has been disciplined, or had a license or certificate to practice denied, by that state's regulatory agency;
- (3) If his license or certificate to practice a health profession issued by another Kentucky regulatory agency has been disciplined or had a license or certificate to practice denied, by that Kentucky regulatory agency;
- (4) Upon a showing of impairment due to mental or physical incapacity or the abuse of alcohol or other substances which may negatively impact the practice of pastoral counseling;
- (5) If he misrepresented or concealed a material fact in obtaining a certificate or seeking reinstatement of a certificate, or seeking renewal of a certificate;
- (6) If he has refused to comply with an order issued by the board; or
- (7) If he has failed to cooperate with the board by not:
 - (a) Furnishing in writing a complete explanation to an initiating complaint filed with the board;
 - (b) Appearing before the board or a designated representative of the board at the time and place designated; or
 - (c) Properly responding to a subpoena issued by the board.
- (8) Violated any statutory or regulatory section of KRS Chapter 335. (26 Ky.R. 286; Am. 589; eff. 9-15-99.)

201 KAR 38:070. Renewal of certificates and continuing education.

RELATES TO: KRS 335.625

STATUTORY AUTHORITY: KRS 335.615(6), 335.625

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessitated by KRS 335.625(1) and (2) and sets forth in detail all fees charged by the board necessary for renewal of certificates and sets forth in detail all required continuing education necessary for renewal of certificates.

Section 1. Renewal. Each credential holder of the board shall renew his or her certificate on or before a date that is three (3) years from the date of his or her original certification or last renewal on a form prescribed by the board, "Renewal Application" (August 2001, edition).

Section 2. Renewal Fees and Penalties. The following fees shall be paid in connection with all renewals of certificates of the board.

- (1) The renewal fee for certification shall be \$300;
- (2) The late renewal fee, including penalty, for renewal during of certification during the three (3) month grace period shall be \$400;
- (3) The reinstatement fee for reinstatement and renewal of certification after the expiration of the three (3) month grace period and before the expiration of one (1) year after the renewal date, including penalty, shall be \$500.

Section 3. Continuing Education.

- (1) Each credential holder of the board, before his or her certificate renewal date, shall obtain twenty (20) clock or credit hours of continuing education completed since the date of the last renewal of the certificate or the date of the original issuance of the certificate, whichever is later. Continuing education shall be obtained from any of the following providers or for any of the following activities approved by the board:
 - (a) Individual or group supervision of other credential holders of this board at the supervisory level;

- (b) Attendance at any educational conferences, continuing education seminars, or educational meetings where seminars are provided in a live or two (2) way video, presentation format and which regard mental health and which are approved for continuing education by:
 - 1. The American Association of Pastoral Counselors;
 - 2. The Kentucky Board of Licensure for Marriage and Family Therapists;
 - 3. The Kentucky Board of Medical Licensure;
 - 4. The Kentucky Board of Examiners of Psychology;
 - 5. The Kentucky Board of Certification for Alcohol and Drug Counselors;
 - 6. The Kentucky Board of Certification for Professional Art Therapists;
 - 7. The Kentucky Board of Certification for Professional Counselors;
 - 8. The Kentucky Board of Social Work;
 - 9. The Kentucky Board of Nursing; or
 - 10. A mental health credentialing agency or board of any other state in the United States for which continuing education credit is awarded in that state;
- (c) Writing and publishing professionally-related articles in mental health publications regarding pastoral counseling which shall not be counted for more than five (5) hours.
- (2) If audited by the board, the credential holder shall within ten (10) days submit written proof of compliance with Section 3 of this administrative regulation to the board.

Section 4. Expired Certificates.

- (1) No person holding a certificate shall represent himself or herself as a fee-based pastoral counselor in this state after the renewal date of his or her certificate unless:
 - (a) That certificate has been renewed as provided by this administrative regulation;
 - (b) The certificate holder has retained proof of continuing education as set forth by Section 3 of this administrative regulation; and
 - (c) The prescribed fee has been paid as set forth by Section 1 of this administrative regulation.
- (2) All certificates not renewed within three (3) months after the renewal date shall be deemed expired for nonrenewal.

Section 5. Duplicate Certificate Fees. The fee for a duplicate certificate shall be twenty-five (25) dollars.

Section 6. Incorporation by Reference.

- (1) "Renewal Application" (August 2001, edition), Kentucky Board of Certification for Fee-Based Pastoral Counselors, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Certification for Fee-Based Pastoral Counselors, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (28 Ky.R. 1013; Am. 1362; eff. 12-19-2001.)